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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/617,703 07/14/2003 Sang Kuk Choi P69018US0 3727 136 7590 05/03/2004 EXAMINER JACOBSON HOLMAN PLLC NGUYEN, KIET TUAN 400 SEVENTH STREET N.W. PAPER NUMBER ART UNIT **SUITE 600** WASHINGTON, DC 20004 2881

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	Ø.
Office Action Summary	10/617,703	CHOI ET AL.	
	Examiner	Art Unit	
	Kiet T. Nguyen	2881	
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the	correspondence add	dress
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period of - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ti y within the statutory minimum of thirty (30) da will apply and will expire SIX (6) MONTHS fron , cause the application to become ABANDON	mely filed ys will be considered timely n the mailing date of this co ED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on			
	action is non-final.		
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is			
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims			
 4) Claim(s) 1-12 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-12 are subject to restriction and/or expressions. 	wn from consideration.		
Application Papers			
9) The specification is objected to by the Examine	er.		
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.			
Priority under 35 U.S.C. § 119			
•	priority under 25 LLS C \$ 110/a) (d) or (f)	
a) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the prio application from the International Burear * See the attached detailed Office action for a list	s have been received. s have been received in Applicat rity documents have been receiv u (PCT Rule 17.2(a)).	tion No red in this National S	Stage
Attachment(s)	_		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) 🔲 Interview Summary Paper No(s)/Mail D		
 Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	_		-152)

Application/Control Number: 10/617,703

Art Unit: 2881

Restriction/Election

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-5, drawn to a deflector of a micro-column electron beam apparatus, classified in class 250, subclass 396R.
- II. Claims 6-12, drawn to a method for fabricating a deflector of a microcolumn electron beam apparatus, classified in class 335, subclass 702.

The inventions are distinct, each from the other because:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the deflector is made before it is used.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper.

A telephone call was made to Yoon S. Ham on 4/27/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet T. Nguyen whose telephone number is 571-272-2479. The examiner can normally be reached on Monday-Friday from 8.00 AM to 6.00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee, can be reached on Monday-Friday. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KIET T. NGUYEN PRIMARY EXAMINER